

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:95-cr-00119-TAW

UNITED STATES OF AMERICA, )  
                                )  
                                )  
                                )  
Vs.                              )  
                                )  
**GERALD DAMONE HOPPER,** ) ORDER  
                                )  
                                )  
Defendant.                     )

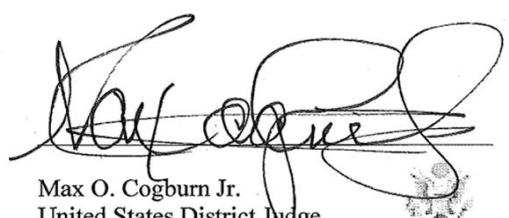
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**THIS MATTER** is before the court on defendant's second Motion to Reconsider. Before reaching the merits of defendant's motion, the court must first determine whether the defendant has presented a proper motion for reconsideration under Rule 59(e) or whether he has merely presented a "successive application in [59(e)'s] clothing." United States v. Winestock, 340 F.3d 200, 207 (4th Cir.2003) (analyzing motion filed under Rule 60(b)) (quoting Lazo v. United States, 314 F.3d 571, 573 (11th Cir.2002) (*per curiam*)). In the present case, the defendant's motion to reconsider does not seek to remedy some defect in this court's consideration of his request, but rather seeks to re-argue the grounds raised in his original request concerning documents. Accordingly, the court concludes that defendant's motion to reconsider is a second request for reconsideration of this court's Order of March 7, 2014, in as many weeks, making it a repetitive and vexatious pleading without a Rule 59(e) basis.

**ORDER**

**IT IS, THEREFORE, ORDERED** that defendant's Motion for Reconsideration (#213) is **DENIED**.

Signed: 3/24/2014



Max O. Cogburn Jr.  
United States District Judge